

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ORDER
03-CR-227A

ROYCE MITCHELL,

Defendant.

This case was referred to Magistrate Judge Leslie G. Foschio, pursuant to 28 U.S.C. § 636(b)(1)(A), on November 19, 2004. On August 17, 2004, defendant filed a motion to suppress evidence. On November 19, 2004, Magistrate Judge Foschio filed a Report and Recommendation, recommending that defendant's motion to suppress be denied.

Defendant filed objections to the Report and Recommendation on January 18, 2005. The government filed a response thereto on January 26, 2005. Oral argument on defendant's objections was held on April 20, 2005.

Pursuant to 28 U.S.C. § 636(b)(1), this Court must make a de novo determination of those portions of the Report and Recommendation to which objections have been made. Upon a de novo review of the Report and Recommendation, and after reviewing the submissions and hearing argument from the parties, the Court adopts the proposed findings of the Report and Recommendation.

Accordingly, for the reasons set forth in Magistrate Judge Foschio's Report and Recommendation, defendant's motion to suppress is denied.

The parties shall appear before this Court for a meeting to set a trial date on May 20, 2005, at 9:00 a.m.

IT IS SO ORDERED.

/s/ Richard J. Arcara

HONORABLE RICHARD J. ARCARA
CHIEF JUDGE
UNITED STATES DISTRICT COURT

Dated: May 17, 2005

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